

REMARKS

Claims 1-2 and 4-9 remain in the present application. Claims 1-2 and 4-9 were amended in this response. No new matter was introduced as a result of the amendments. Support for the present amendments may be found in the amended specification page 5, lines 10-18.

Claims 1-2 and 4-8 were rejected under 35 U.S.C. §101 as being allegedly directed to non-statutory subject matter. Applicant respectfully traverses this rejection, as the rejection clearly misapplies the law of statutory subject matter under section 101. The rejection cites MPEP 2106(II)(A) for identifying and understanding practical applications asserted for the invention, but then goes on to assert that the claims include “no physical structure of the machine in terms of its hardware or hardware and software combination.” Furthermore, the rejection claims that, “[b]ecause claim limitation of ‘a first interface,’ ‘a second interface,’ and ‘a third interface’ are software program functions . . . the claims are not statutory.” Applicant respectfully submits that there is no requirement under patent law requiring the recitation of a “physical structure,” nor is there a bar to patentability on “software *per se*.” As such, Applicant earnestly requests withdrawal of this rejection.

Claims 1-2, 4-8, and 9 were objected to for informalities. Applicant submits that the use of the term “unit” in the preamble of claims 1-2 and 4-8, and in the body of claim 9 is sufficient to establish a statutory type (see MPEP 2106(IV)(B)(2)(a): “a claim limited to a machine or manufacture, which has a practical application in the technological arts, is statutory.”). In the interests of furthering prosecution, Applicant has amended the claims to recite a “processing unit.” Withdrawal of the objection is earnestly requested.

The drawings were objected by the draftsperson for informalities. In light of the presently submitted drawings, Applicant submits the objectionable matter has been addressed.

Claims 1-2 and 4-9 were rejected under 35 U.S.C. §102(e) as being unpatentable over *Multer et al.* (US Patent 6,671,757). Applicant traverses this rejection. Favorable reconsideration is respectfully requested.

In light of the present amendments Applicant submits that the prior art, alone or in combination, fails to teach or suggest “a third interface to a consistency module that automatically updates changes and automatically provides the changes and notification of the updates to the data in further object-oriented applications accessing the same data” as recited in

claim 1 and similarly in claim 9. Under the recited configuration, updates are automatically provided, in addition to notification to the applications (see specification page 5, lines 3-18).

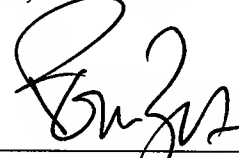
In contrast, *Multer* teaches a system for synchronizing data between two system where the server must be queried from a second system to determine whether different data exists for files on the second system (col. 4, lines 19-28; see “IEnumItems” (col. 22, line 60 - col. 23, line 10) and “ItItemFieldMap” (col. 25, lines 25-40)). Once the difference data is retrieved at the second system, only then does the updating occur (col. 4, lines 27-29). Thus, the updating is not executed automatically, and the notification is not provided with the update. For at least these reasons, Applicant submits the rejection has been overcome.

In light of the above, Applicant respectfully submits that independent claim 1 and 9 of the present application, as well as claims 2 and 4-8 which respectfully depend therefrom, are both novel and non-obvious over the art of record. Accordingly, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Applicant further submits that no additional fees are due in connection with this Response at this time. However, if any additional fees are due in connection with this application as a whole, the Examiner is authorized to deduct said fees from Deposit Account No.: 02-1818. If such a deduction is made, please indicate the attorney docket number (0112740-357) on the account statement.

Respectfully submitted,

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Dated: August 18, 2006